

The City Council met in regular session at the hour of 8:37 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Police Chaplain Susan McAllister gave the invocation and led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO SAM'S LUGGAGE - MAYOR AND CITY COUNCIL

PROCLAMATION OF JOHN AND ANGELO BORRELLI DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF ROOSEVELT SCHOOL OF THE ARTS DAY - COUNCILMEMBERS DAGES AND PEREA

PRESENTATION OF THE 3RD ANNUAL ORCHID AWARDS - COUNCILMEMBER CALHOUN

The above resolution, proclamations and awards read and/or presented.

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(9:00 A.M.) PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE FALL QUARTER

Certificates were presented to: Sal Quintero, City Council's Office; Bob Koury and Lorraine Kuroda, Finance Department; Robert Van Tassel and Oney Durney, Fire Department; Randy Clays and Noel Villaverde, Fresno Areas Express; **(2 - 0)** Al Shepherd and Dale Cromer, General Services Department; Dennis Jones and Archie Tovar, Information Services Department; John Dickson, Parks, Recreation & Community Services Department; Kathy Eckerson, Personnel Services Department; Norm Allinder and Randy Calvert, Planning & Development Department; Scott Haugland, Kelly Keifer, Susan Nelson and Matt Sonderegger, Police Department; May Albiani, Larry Avila, Pat Edwards, Carlos Chavez, Greg Dockery, Rebeca Garcia, Robert Hanford and Steve Tate, Public Utilities Department; and Bryan Doi, Louise Monroe, Scott Krauter and Joe Bain, Public Works Department.

A reception was held immediately following to honor the Employees of the Quarter.

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RECESS - 9:43 A.M. - 10:02 A.M.

APPROVE MINUTES OF OCTOBER 21, 2003

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of October 21, 2003, approved as submitted.

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COUNCILMEMBER REPORTS AND COMMENTS:

REQUEST FOR TRAY MEMO ON THE MICRO-CHIPS PUT INTO ANIMALS BY THE SPCA INCLUDING HOW THEY ARE USED AND READ BY THE SPCA - COUNCILMEMBER DUNCAN

Request made.

(1) SUNDAY'S GRAND OPENING OF THE SAVE MART ARENA, AND (2) CLARIFICATION ON SAVE MART ARENA CONCERT TICKET PRICES - COUNCILMEMBER DUNCAN

Councilmember Duncan stated the gala event was spectacular and facility was unbelievable, and acknowledged and thanked President John Welty for his opening comments about downtown Fresno and all the positive changes going on stating it was a very classy speech.

Relative to #2 Councilmember Duncan stated comments were made at last week's meeting on the selling prices of concert tickets at the Save Mart Arena, specifically the Elton John concert, and that SMG had something to do with that, and clarified ticket prices for events are set by the promoter and not the management company that runs the facility, and added the Save Mart Arena was beyond anything anyone could comprehend when you first walk into it, advised consultants have stated it ranks among the top arenas of its kind in the country, and stated the Arena was going to work very well with our facilities and congratulated the city on now having a world-class venue that will have quality entertainment.

SOUTHEAST FRESNO'S HALLOWEEN HARVEST FEST ON OCTOBER 31, 2003 - COUNCILMEMBER DAGES

Councilmember Dages again invited the community to attend the event which will be held from 5:30 - 9:30 p.m. at Kings Canyon and Clovis Avenue next to Von's Supermarket stating it is a fun-filled family event.

COMMENDATION TO (1) BOB WATERSTON AND HIS SUCCESSFUL MAKE-A-WISH FOUNDATION EVENT LAST WEEKEND, (2) COUNCIL ANALYST BIANCA SPARKS, THE POLICE AND FIRE DEPARTMENTS, AND GRANVILLE HOMES AND SBC FOR ALL THEIR WORK AND/OR CONTRIBUTIONS TO THE SAFETY FAIR AND HELMET GIVE-AWAY EVENT, AND (3) DISTRICT ONE RESIDENTS, THE FRESNO HIGH NEIGHBORHOOD ASSOCIATION, AND THE POLICE AND FIRE DEPARTMENTS ON SUNDAY'S SUCCESSFUL PARTY ON VAN NESS BOULEVARD - PRESIDENT BOYAJIAN

Commendations made.

DISTRICT 4 HELMET GIVE-AWAY EVENT - ACTING PRESIDENT CASTILLO

Acting President Castillo advised District 4 was also having a helmet give-away event on Saturday, November 1st from 11:00 a.m. to 1:00 p.m. at Dakota and Cedar Avenues.

WATER WORKSHOP - ACTING PRESIDENT CASTILLO

Upon question, City Manager Hobbs stated issues related to water meters would be touched upon at the workshop.

(1) HELMET GIVE-AWAY EVENT, (2) PROVIDENCE BAPTIST CHURCH PROJECT, (3) DEDICATION OF FREEWAY 180 WEST, AND (4) EDC CEREMONY AT LEDESTRI FOODS - COUNCILMEMBER STERLING

Councilmember Sterling thanked President Boyajian for including her in the Lions Park helmet event and for thinking about children's needs; commended the Redevelopment Agency and staff on the Providence Baptist Church project stating it was a great project; advised she and Councilmember Duncan attended the Freeway 180 opening dedication ceremony and stated even though the freeway was for everyone it was wonderful to connect to the west Fresno area again; and (4) advised she attended the ceremony at Ledestri Foods and spoke to the 300 jobs that would be retained because of Ledestri's expansion and the Enterprise Zone program, and thanked the city of Fresno for all that is happening in her district and for making working people's dreams come true.

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APPROVE AGENDA:

(1-K) AWARD A CONTRACT TO FORD CONSTRUCTION COMPANY, INC., OF LODI, CA, FOR FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT AIR CARGO PARK AIRSIDE DEVELOPMENT

Removed from the agenda by staff due to an appeal that was filed. (*Note - During consideration of the consent calendar Councilmember Calhoun stated he was curious as to what was being done and requested staff inform Council on what was being done.)

(1-N) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR STREETLIGHT RELAMPING TO ELECTRIC MOTOR SHOP OF FRESNO IN THE AMOUNT OF \$270,000

City Clerk Klisch advised the wording “*and waive error by Electric Motor Shop as a minor irregularity*” should be included as part of the title. So noted.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

Gloria Torrez requested Item **1-A** be rejected and vetoed stating she was opposed to entering into an agreement with PG&E due to their high rates charged to customers and also because it was natural gas and that would contribute to the valley’s air quality problems.

Barbara Hunt, 2475 S. Walnut, expressed concern with Item **1-D** stating two issues were being combined into one item, and spoke to the need for Council to consider and vote on each item on the Consent Calendar separately.

(1-A) APPROVE A NATURAL GAS SERVICE AGREEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E) FOR NATURAL GAS SERVICE TO THE REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF) GAS TURBINE POWER GENERATION FACILITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES, OR DESIGNEE, TO EXECUTE SAME

(1-B) RESOLUTION NO. 2003-332 - INTENT TO ANNEX FINAL TRACT NO. 5170 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO 58, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-C) APPROVE UTILITY AGREEMENT NO. 06-1209.72 COVERING THE ENGINEERING ADMINISTRATION, WET TIES AND TESTING COSTS FOR THE RELOCATION OF WATER UTILITIES WITHIN THE FREEWAY ROUTE 180 PROJECT LOCATED AT HARVEY AND FOWLER AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-D) APPROVE THE REQUEST OF GELCO SERVICES, INC., TO SUBSTITUTE SUBCONTRACTOR NATIONAL PLANT SERVICES WITH THEMSELVES FOR THE TRUNK LINE CLEANING AND TELEVISION INSPECTION PORTION OF THE REHABILITATION OF WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE PIPE IN MAPLE AVENUE, MCKINLEY AVENUE AND FRESNO YOSEMITE INTERNATIONAL AIRPORT PROJECT

(1-E) FINAL ADOPTION OF CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 52 (FINAL MAP NO. 5110)

1. RESOLUTION NO. 2003-333 - ANNEXING TERRITORY TO CFD NO. 2, ANNEXATION NO. 52, AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-334 - CALLING SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2003-335 - DECLARING ELECTION RESULTS

4. BILL NO. B-95 - ORDINANCE NO. 2003-94 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

(1-F) AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR TO EXECUTE AN AGREEMENT FOR SITE MANAGEMENT OF THE SENIOR CITIZEN HOT MEALS PROGRAM WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR FY 2004

(1-G) RESOLUTION NO. 2003-336 - APPROVING THE FINAL MAP OF TRACT NO 4974 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTH SIDE OF W. MCKINLEY BETWEEN N. BLYTHE AND N. CORNELIA AVENUES IN COUNCIL DISTRICT 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-H) RESOLUTION NO. 2003-337 - APPROVING THE FINAL MAP OF TRACT NO. 5029 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. MILLBROOK AND E. COPPER AVENUE IN COUNCIL DISTRICT 6

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STREET FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-I) RESOLUTION NO. 2003-338 - APPROVING THE FINAL MAP OF TRACT NO. 5102 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHEAST CORNER OF E. SHEPHERD AND N. CHESTNUT AVENUES IN COUNCIL DISTRICT 6

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE AND MAINTENANCE OF THE REMAINDER AREA

(1-J) RESOLUTION NO. 2003-339 - APPROVING THE FINAL MAP OF TRACT NO. 5110 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE EAST SIDE OF N. MAPLE BETWEEN E. INTERNATIONAL AND E. COPPER AVENUES IN DISTRICT 6

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-L) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO MYERS BROS. WELL DRILLING, INC., OF HANFORD, CA , IN THE AMOUNT OF \$544,528 FOR DRILLING NEW PRODUCTION WELLS

(1-O) RATIFYING THE POLICE DEPARTMENT'S CONTRACTUAL AGREEMENT WITH KROEKER, INC., TO ASSIST IN EXCAVATION AT THE AMERICAN AVENUE LANDFILL IN SEARCH OF A CHILD'S REMAINS

Acting President Castillo commended the Police Department for their dedication and working tirelessly to locate the remains of the child.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-N) WAIVE ERROR BY ELECTRIC MOTOR SHOP OF FRESNO AS A MINOR IRREGULARITY, AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO (2) ONE-YEAR EXTENSIONS TO ELECTRIC MOTOR SHOP FOR STREETLIGHT RELAMPING IN THE AMOUNT OF \$270,000

Councilmember Dages advised he received payment from the Caglia Family for an antique appraisal, recused himself from the proceedings, and left the dais at 10:24 a.m.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Item **1-N** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None
Recused	:	Dages

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The City Council recessed their meeting at 10:25 a.m. and convened in joint session with the Redevelopment Agency.

(9:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF OCTOBER 21, 2003

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of October 21, 2003, approved as submitted.

Councilmember Dages returned to the meeting at 10:25 a.m.

Chair Duncan advised at 12:30 p.m. this date a spectacular event would occur in the progress and development of downtown Fresno with the ground breaking of the Tutelian Family project on Tulare Street and commended the Tutelian's and the Redevelopment Agency for continuing to make great progress downtown.

(“A”) APPROVE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION FOR PREPARATION OF ENVIRONMENTAL IMPACT REPORT (EIR) SCH NO. 2003051046 FOR THE OLD ARMENIAN TOWN PROJECT BOUND BY “O” STREET, VENTURA STREET, “M” STREET AND FREEWAY 41 IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, stated she was opposed to tearing down the church and did not see this as eliminating blight.

Agency Director Fitzpatrick and City Attorney Montoy responded to questions of Councilmember Calhoun relative to the process for selecting consultants, why URS Corporation's name comes up a lot and gets a number of contracts, and if staff was saying URS was the best firm for the work due to the extension. A motion and second was made to approve staff's recommendation. Upon the request of Councilmember Sterling, Mr. Fitzpatrick explained for the benefit of the community what the process had been for the preservation of the church and advised of the upcoming hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the amendment to the existing agreement with the URS Corporation, in an amount not to exceed \$87,120, for preparation of Environmental Impact Report SCH #2003051046 for the Old Armenian Town Project hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

(“B”) CONSIDER ACTIONS RELATING TO THE PROPOSED CALIFORNIA-ORANGE HOUSING PROJECT

1. JOINT RESOLUTION NO. 2003- /1640 - APPROVING A RELOCATION PLAN

2. AGENCY RESOLUTION NO. 1641 - APPROVING A REPLACEMENT HOUSING PLAN

3. WAIVE CONDITION TO ENTERING, AND AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR TO EXECUTE TWO (2) RESIDENTIAL PURCHASE AGREEMENTS (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted **(3 - 0)** and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Chair Duncan stated this was a perfect in-fill project and made a motion to approve, which motion was seconded and acted upon after brief discussion. Councilmember Sterling and President Boyajian spoke in support stating this was continuation of good work and collaboration, congratulated the entities who brought this project together, and stated this was a chance for the neighborhood to rebuild itself. Ms. Murphey responded to questions of Acting President Castillo relative to tenants' expenses and what is/is not covered, where tenants are being relocated to, and how relocation properties are found for displaced apartment tenants.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-326/1640 and Agency Resolution No. 1641 hereby adopted, the Condition to Entering hereby waived, and the Executive Director or Redevelopment Administrator authorized to execute the Purchase Agreement for two residential properties covered by the Plans, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

(“C”) ITEM REMOVED FROM THE AGENDA

(“D”) CONSIDER AMENDING THE STIPULATION FOR JUDGEMENT BETWEEN THE CITY OF FRESNO, THE REDEVELOPMENT AGENCY AND CIVIC CENTER SQUARE, INC. (CCSI), PROVIDING FOR THE ASSIGNMENT OF DEVELOPMENT RIGHTS AND INTEREST TO TUTELIAN HOLDINGS I, LLC, FOR PARCEL 7, AND APPROVE A RIGHT OF ENTRY FOR THE START OF CONSTRUCTION OF A MULTI-STORY OFFICE BUILDING CONSISTING OF A MINIMUM 80,000 SQUARE FEET

Redevelopment Administrator Murphey reviewed the issue at length as contained in the staff report as submitted, recommended approval, and advised Emory Wishon, representing the Tutelians, was present to speak and/or respond to questions.

Assistant City Attorney Avila clarified issues relative (1) CCSI taking title and proof of financing, (2) the forms being approved with minor revisions, and (3) the on-going back check process and the possibility that it will not happen by the October 30th deadline and explained.

Emory Wishon, representing CCSI, Inc. and Tutelian Holdings I, spoke briefly to the project and further to the assignment and right of entry issues, and advised of the 12:30 p.m. event at the site and encouraged Council to attend.

Barbara Hunt, 2475 S. Walnut, spoke to the need for Mr. Fitzpatrick to have everything he needs to move forward and to have the first and final say on the project.

Mr. Fitzpatrick and Mr. Avila responded to questions of Acting President Castillo and President Boyajian and/or clarified issues relative to whether financing was in place, why staff indicated part of action this date was to defer financing, difference between construction financing and permanent loan financing, need to create a "bankrupt-proof entity", when permanent financing takes place, if "power of termination" was included in document(s), and the two types of financing. President Boyajian thanked the Tutelians and Council for their patience in getting this project built. Councilmember Sterling made a motion to approve staff's recommendation and stated this again was a continued effort of great collaboration by those who want to build, work and remain downtown. Acting President Castillo noted he had been very critical of past extensions and stated he was glad he was overridden, and stated this was a great project and wished the Tutelians much success and commended them for their commitment to downtown.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the City Council and Agency Board hereby approve the 6th Amendment to the Settlement Stipulation and Stipulated Judgement to allow the assignment of all conditions and requirements of CCSI to the Tutelians Holdings, LLC, and the right of Entry for the start of construction of the project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 11:04 a.m. and the City Council reconvened in regular session.

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-03-040 AND ENVIRONMENTAL FINDINGS, FILED BY KARNAIL SINGH AND KULWANT S. ROMANA, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. CHURCH AND S. WEST AVENUES LOCATED IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-040, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. BILL NO. B-96 - ORDINANCE NO. 2003 -95 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO M-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Sterling stated this was another exciting thing happening in her district, and Planner Gerster reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the need for the City to get its fair share of revenues from the County.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On notion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-40 dated September 15, 2003, hereby approved, and the above entitled Bill No. B-96 rezoning the subject property adopted as Ordinance No. 2003-95, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:30 A.M.) CONSIDER A RESOLUTION REQUESTING FRESNO COUNTY TO EXPLORE IMPLEMENTING THE ABC RESTAURANT GRADING SYSTEM TO IMPROVE COMMUNITY PUBLIC HEALTH AND SAFETY - COUNCILMEMBER

1. RESOLUTION - REQUESTING FRESNO COUNTY EVALUATE THE RESTAURANT INSPECTION PROCESS TO INCLUDE AN ELEMENT TO MAKE INFORMATION REGARDING INSPECTIONS OR RATINGS EASILY ACCESSIBLE AND VISIBLE TO THE PUBLIC (*NOT ADOPTED*)

Councilmember Calhoun spoke to the issue at length; stated the City Council as city officials were responsible for the health and safety of its citizens; noted the Health Department was run by the County of Fresno, stated they ran a fine operation, and clarified this issue was in no way a criticism of the Health Department; spoke to Fresno being the 6th largest city in the state, a city on the move, and the grading system southern California cities were using and stated he felt Fresno should also use this system which would identify only the level of hygiene and cleanliness and not the taste of food or how it is prepared; explained how the grading systems works and added this would give people peace of mind when patronizing restaurants; spoke to his op-ed in the Fresno Bee and the California Restaurant Association's (CRA) op-ed stating they disagreed with the grading system but did support a Certificate of Excellence (COE) Program that would be displayed; clarified this proposed resolution would not implement anything but would only ask Fresno County to look at the three alternatives outlined in the resolution; spoke to other communities that were doing this type of thing; noted Council received information from the CRA after the Fresno Bee articles stating they were opposed to anything and disagreed with the CRA article; questioned why the CRA wrote the article in the first place as he thought they did support an alternative; and spoke to additional issues and stressed this was about the peoples right to know and stated Council owed it to its citizens to support the issue **(4 - 0)** and made a motion to adopt the resolution.

City Attorney Montoy responded briefly to questions of President Boyajian relative to jurisdiction and if the State of California issued mandates to Fresno County.

Speaking to the issue were: Randy Winter, 9090 N. Burgan, Clovis, support for the motion; Benjerman Raya, Owner and Operator of the House of Dumplings, 2139 Kern Street, opposed; Kristin Olsen, Chapter Manager, CRA, 1011 10th Street, Sacramento, opposed; John Pardini, CRA, 4584 W. Jacquelyn, opposed; Jim Pardini, 6560 N. Sequoia, opposed; Gary Honeycutt, BJ's Country Kitchen, 6429 N. Briarwood, opposed; James Poptanich, 3076 W. Escalon, support; Barbara Hunt, 2475 S. Walnut, opposed; Brad Maggy, Fresno County Health Department, 1221 Fulton Mall, opposed; and David Borunda, 5088 N. Blackstone, opposed.

Councilmember Calhoun requested the CRA address why they sent an op-ed in to the Fresno Bee promoting a COE stating that was why he included that option in the resolution, and thanked the Health Department for attending and speaking on the issue.

Ms. Olsen of the CRA responded to questions of Councilmember Duncan relative to what changed in the last twelve days with the COE Program. Councilmember Duncan stated he had some issues with the grading system but felt the COE program had merit and he supported the resolution because he did not see a problem with getting more information, and seconded Councilmember Calhoun's motion.

Councilmembers Dages and Perea stated they were opposed to the issue because only restaurants in the city of Fresno would be affected, having different rules was unfair to owners who had restaurants in both the city of Fresno and in the county, a Council vote would be symbolic only as nothing would change unless Fresno County took action, and there had been no information on any problems that would support going to a grading system, with Councilmember Perea stating he could support looking at a COE program in the future or looking at other options along with the restaurant industry and Fresno County. **(5 - 0)** Councilmember Sterling stated she agreed the playing field should be level however she felt maybe Fresno, as the largest city in the county, should be the one to set a precedence, and spoke further to the issue and presented questions relative to the number of restaurants the CRA represents, if the Health Department was aware of the non-use of gloves, what the standards/criteria were for fast food restaurants, how often fast food restaurants are inspected, and there being excellent restaurants but concern that there definitely are areas that need to be addressed such as handling both money and food and non-use of gloves, with Ms. Olsen and Mr. Casagrande of the Health Department responding throughout. Councilmember Sterling stated she felt the proposal needed to be explored because she had serious concerns that some restaurants were being a little careless in how they handle food and stated she would work with Councilmember Calhoun on the issue.

Ms. Montoy read a portion of one sentence from the California Health & Safety Code that stated "nothing in this Chapter shall prohibit a local governing body (the County Board of Supervisors in this case) from adopting an evaluation or grading system for food facilities."

Relative to Council comments that only restaurants in the city would be affected Councilmember Calhoun clarified the Board of Supervisors could choose to limit the system to the city or apply it county-wide which he hoped they would, relative to opposition to a grading

system clarified the resolution was asking the County to look at a COE program or any other system that might be appropriate, and lastly emphasized he hoped a negative message was not being sent that the City of Fresno knew best.

142-162

10/28/03

Acting President Castillo noted the Grand Jury already suggested something like this and the County did not support it, stated he did not support the issue as the city had other more important problems such as high unemployment and bad air quality, and expressed concern that an hour and a half had been spent on this issue to tell Fresno County what to do and stressed the system in place was working.

Mr. Maggy responded to questions of President Boyajian relative to whether this issue had already been before the County, what the outcome was, if the Health Department itself had looked at a grading system prior to the issue coming before the County, why the Health Department chose not to implement it, how the department determined a grading system would not improve things, and if a sufficient investigation had been conducted by county staff on the issue, with President Boyajian stating he was opposed to the City getting involved in county issues.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above Resolution requesting Fresno County evaluate the restaurant inspection process failed, by the following vote:

Ayes : Calhoun, Duncan, Sterling
Noes : Castillo, Dages, Perea, Boyajian
Noes : None

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LUNCH RECESS - 12:41 P.M. - 2:03 P.M.

(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY ERIC WARDWELL TO DISCUSS RAIL CONSOLIDATION AND LATE NIGHT TRAIN WHISTLES THROUGH THE CITY, AND ATTEMPTS TO COMMUNICATE WITH COUNCIL REPRESENTATIVE

Appearance made with Councilmember Sterling and President Boyajian responding to concerns and advising of a planned town hall meeting on rail issues. Mr. Wardwell was asked to keep involved and contact Councilmember Sterling's office.

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CONTESTED CONSENT CALENDAR ITEMS:

(1-M) AWARD AN INTERIM CONTRACT TO CALIFORNIA INDUSTRIAL SERVICES (CIS) OF FRESNO FOR CUSTODIAL SERVICES AT CITY HALL, AND AUTHORIZE A 2-MONTH INTERIM CONTRACT TO AMERICAN BUILDING MAINTENANCE (ABM) OF FRESNO FOR CUSTODIAL SERVICES AT OUTLYING FACILITIES

Facilities Manager Major responded to questions/comments of Councilmember Calhoun relative to why an interim contract was being requested since staff knew the issue was coming up, the changes being looked at, if staff would be reporting back with final recommendations after their review, and suggestion that the reason for the interim contract should have been included in the staff report.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, a 4-month interim contract hereby awarded to California Industrial Services (CIS) of Fresno in the amount of \$120,000 for custodial services at City Hall through February 29, 2004, and a 2-month interim contract with American Building Maintenance (ABM) of Fresno in the amount of \$62,000 hereby authorized for custodial services at outlying facilities through February 29, 2004, until a new Request for Proposal (RFP) process and contracts can be completed, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-P) AWARD A REQUIREMENTS CONTRACT TO THE PACIFIC INSTITUTE (TPI) FOR CITYWIDE TRAINING AND A CONTRACT FOR LEADERSHIP FACILITATOR EDUCATION AT A COST OF \$13,500

Interim Assistant City Manager Ruiz and City Manager Hobbs responded to questions and comments of Councilmember Dages relative to whether the training had already started, the Organizational Cultural Effectiveness Survey and if Council could get a copy, and concern that the City of Fresno was not consumer friendly and support for the training and moving in this direction. **(6 - 0)** A motion and

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second was made to approve staff's recommendation. Mr. Ruiz, Mr. Hobbs and Assistant City Manager Souza responded to questions and concerns of Acting President Castillo relative to what the cost was to train the 75 managers, if there were copy rights to the materials handed out, why some of the trained managers could not provide the training, why \$50,000 would be spent to train employees when the materials/information could not be used/disseminated, why the managers were sent to the training, concern with the \$260 per person to get the training, funding source for the training, when the training would start, and concern that the issue is just now before Council when training starts tomorrow. Councilmembers Calhoun and Duncan spoke briefly in support of The Pacific Institute and the issue and commended staff.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, a requirements contract hereby awarded to The Pacific Institute (TPI) to provide Citywide productivity/high performance training and curriculum at a cost of \$260 per employee who participates in the training, and a contract awarded for Leadership Facilitator Education, at a cost of \$13,500, both subject to City Attorney approval, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Castillo
Absent : None

(2:00 P.M. #1) CLOSED SESSION:

(“B”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME:

1. MAI THAO, ET AL. V. CITY OF FRESNO, ET AL.

Removed from the agenda.

(“A”) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF MANAGEMENT)
2. FRESNO POLICE OFFICERS ASSOCIATION (FPOA NON-SUPERVISORY)
3. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF NON-MANAGEMENT)
4. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)

(“B”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

2. JOHN TIMOTHY PEREIRA V. COF
3. BAKMAN WATER COMPANY, INC. V. BOEING NORTH AMERICAN, INC., CITY OF FRESNO; THE U.S. DEPARTMENT OF ARMY CORPS OF ENGINEERS, ETC.

(“C”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: CLAIM OF FREE REPUBLIC, LLC

The City Council met in closed session in Room 2125 at the hour of 2:40 p.m. to consider the above issues and reconvened in regular open session at 4:45 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Item “C”, Claim of Free Republic for \$1 million for defamation arising out of

a September 2003 City of Fresno Human Relations Commission press release, the Council voted to deny the claim by a vote of 5-1-0-1 with Councilmember Duncan voting “No” and Councilmember Calhoun abstaining.

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UNSCHEDULED COMMUNICATION:

RESTAURANT RATING SYSTEM - COUNCILMEMBER CALHOUN

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Councilmember Calhoun advised he and his staff went to lunch after the long debated issue, noted he did find the sign at the restaurant on the Health Department’s inspection and asked to review it, stated he read the handwritten report but it did not tell how well the restaurant was rated and only indicated it had passed and further elaborated, and stated other than the fact that the restaurant passed inspection he had no idea what criteria was used and stated he strongly disagreed with comments made earlier that the current system was working.

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(2:30 P.M.) WATER WORKSHOP PART II - CVP CONTRACT AND CONDITIONS OF RENEWAL, AB 514 (WATER METER LEGISLATION), WATER INFRASTRUCTURE AND FISCAL SNAPSHOT

Laid over one week to November 4th at 2:30 p.m.

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(2-A) BILL NO. B-91 - ORDINANCE NO. 2003-96 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE PAYMENT AND REIMBURSEMENT OF FIRE HYDRANT IMPACT FEES

Briefly reviewed by Public Utilities Director McIntyre who recommended approval and responded to questions of Councilmember Dages relative to whether this would change the inspection fees for private fire hydrants and if it would lower costs.

On motion of Councilmember Dages, seconded by Councilmember Perea, seconded by , duly carried, RESOLVED, the above entitled Bill No. B-91 adopted as Ordinance No. 2003-96, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(2-B) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, P.C., FOR DESIGN OF IMPROVEMENTS TO THE ORGANIC TREATMENT PROCESS AT THE REGIONAL WASTEWATER RECLAMATION FACILITY (TREATMENT PLANT)

1. RESOLUTION NO. 2003-341 - 40TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$4,350,000 FROM WASTEWATER OPERATING RESERVES

Public Utilities Director McIntyre reviewed the issue at length as contained in the staff report as submitted and along with City Manager Hobbs responded to questions and/or concerns of Councilmembers Dages and Duncan and President Boyajian relative to the \$4 million cost for a 12-month contract, if technical, highly refined services were involved, and the wastewater loadings and increase.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2003-341 hereby adopted, the Professional Services Agreement with Carollo Engineers, P.C. in the amount of \$4,042,073 approved, and the City Manager or designee authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes : Dages
Absent : None

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(3-A) REQUEST FOR STATUS REPORT ON IMPLEMENTATION OF VACANT BUILDING ORDINANCE - PRESIDENT BOYAJIAN

President Boyajian stated it was his understanding sufficient resources would be available to implement the ordinance and he found out resources were lacking, with Planning & Development Director Yovino stating staff was currently looking at the issue and working on a report but additional time was needed, and recommended a workshop be scheduled on code enforcement in the near future so that all the functions, resources, and priorities could be discussed. Upon question, Mr. Yovino advised the report would be ready in two weeks and by Council consensus staff was directed to schedule a workshop on code enforcement in late November or early December. Upon question of Councilmember Calhoun, City Manager Hobbs stated the report on the CUP Task Force did go out.

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President Boyajian wished Councilmember Duncan a safe trip to Washington D.C., and Councilmember Sterling thanked staff for scheduling the November 18th joint meeting with the Planning Commission and Mayor.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:05 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ___4th___ day of _____November_____, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

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